IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 12750 of 2007(P)

PETITIONER:

THE CORPORATE MANAGER,
MADRASETHUL MUJAHIDEEN ORIENTAL L.P.SCHOOL,
HIGH SCHOOL AND VOCATIONAL HIGHER SECONDARY
SCHOOL, PANAYAPPALLY, ERNAKULAM DISTRICT-682 002.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.12750 of 2007

Dated this the 24th day of May, 2007

JUDGMENT

Petitioner is stated to be the Corporate Manager of a Lower Primary School, High School and Vocational Higher Secondary School run by a trust known in the name and style of Mujahideen Trust, Kochi. Petitioner claims that the above schools are entitled to be recognised and declared as minority institutions.

2. It is on record that petitioner had made an attempt for such a declaration from the Director of Public Instruction on an earlier occasion. In response to the application submitted by the petitioner, the Director of Public Instruction had informed the petitioner that in view of Ext.P3 order of the Government, there was no necessity for the Government to grant such a declaration. Petitioner was however advised that he may claim the benefit of the above status before the educational authority, if necessary, while considering the request for approval of appointment of headmaster.

3. Learned counsel submits that petitioner had preferred Ext.P4 application for a formal declaration yet again, in view of the dictum laid down by this court in **Evan's U.P. School v. State of Kerala [2001 (1) KLT 849]**. The said application is still pending consideration before the Government.

4. I have heard learned Government Pleader also. He submits that he has been informed that the Government has constituted a high level Committee to formulate principles and guidelines for grant of declaration of minority status to certain institutions in the state. The Government is awaiting the report from the Committee. He further submits that the Government will take a decision on Ext.P4, as soon as the report of the committee is received, and a policy decision is taken. He prays for granting reasonable time to the Government to do so. Learned counsel for the petitioner submits that petitioner will be satisfied, if an appropriate direction in this regard is issued, stipulating a time frame.

5. In the above facts and circumstances, the writ petition is disposed of with a direction to the respondent to take a decision on Ext.P4 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within six months from the date of receipt of a copy of this judgment. It will be open to the respondent to take a decision in the matter after calling for the report of the high level committee. Needless to mention that petitioner or an authorised representative of the Trust shall be afforded sufficient opportunity to be heard before any decision is taken.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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